

TEXAS RADIATION ADVISORY BOARD MINUTES
First Quarter Meeting
January 27, 2001
Austin, Texas

The meeting was called to order at 9:00 a.m. by Dale E. Klein, Ph.D., P.E., Chair, with the following members present: Jimmy L. Barker, P.E.; Susan E. Best, M.D., Ph.D.; Michael S. Ford, C.H.P.; Ian Hamilton, Ph.D.; W. Kim Howard, M.D.; Justin P. LeVasseur, M.D.; Troy Marceleno; Judith A. Pester, M.D.; Kevin L. Raabe; Elaine L. Wells; and Philip M. Wentworth

The following members were absent: Thomas M. Burnette; Eugene A. Coleman, Ph.D.; Earl P. Erdmann; Odis R. Mack; and Bruce A. Matson, D.D.S.

Guests present: R. L. Jacobi, EnviroCare, Inc; Bob Wilson, McGinnis, Lochridge, and Kilgore; Eddie Selig, Advocates for Responsible Disposal; Annette Glass, Committee on Environmental Regulation; Matthew Arno, Texas A & M University; and Naila Ahmed and Tom Waidzun, Representative Burnam's office

Texas Department of Health (TDH) central office staff present: Tom Godard

Bureau of Radiation Control (BRC) staff present: Richard A. Ratliff, P. E.; Margaret Henderson; Doris McCormick; Art Tate; Ruth McBurney, C.H.P.; Bob Free; Ruben Cortez; Bill Silva; Gary Smith, Ph.D.; and Tommy Cardwell

Texas Natural Resource Conservation Commission (TNRCC) staff present: Alice Rogers, P.E.; Susan Jablonski; Hygie Reynolds; George Fitzgerald; and Don Retmont

Minutes of the October 14, 2000 and the November 14, 2000 meetings were approved as submitted.

Ruth McBurney provided a presentation to the board members on naturally occurring radioactive material (NORM).

Mr. Ratliff discussed the reports of two study groups in the House and Senate on low-level radioactive waste. The House Committee studied not only at low-level radioactive waste but also TDH's exemptions for certain radioactive materials that are unique in Texas. Across the country there are certain standard rules the Nuclear Regulatory Commission (NRC) has for exemptions, such as liquid scintillation medium that contains low-levels of carbon-14 and tritium. About twenty years ago TDH, based on a petition from the Low-Level Radioactive Waste Authority, adopted exemptions that were put into rule for radioactive materials that had a half-life of less than 300 days in certain concentrations so that they could be disposed of in sanitary landfills. Other exemptions concern cesium-137 in certain concentrations which is allowed to go to hazardous waste disposal sites. The House Committee's main concern is that the waste disposal license be issued to a state agency and operated by a private company. The Senate Committee came to the conclusion that there should be a totally privatized system within a county that wants the waste site.

Susan Jablonski also reported on recommendations from the House Committee on Environmental Regulation and the Senate Natural Resources Committee interim studies.

Annette Glass reported on bills that have not been filed but are expected to be. Representative Chisum has a bill that is very similar to last session's HB 1910 that again allows for the choice of assured isolation.

The Executive Committee (Dale E. Klein, Ph.D., P. E., Chair) met and a quorum was present. Mr. Ford reported on the Ad Hoc Committee's recommendations on changes to financial and/or

operating requirements. The committee recommended legislation that would add a 5% charge to each license fee and deposit those funds in the Radiation Perpetual Care Fund for emergency use with a \$500,000 cap set on this fee fund. The committee also recommended changes to the well logging rules be drafted to require certain notifications to TDH.

Alice Rogers asked the board members to recommend to the Commission the revision of 30 TAC, Chapter 336; Subchapter A, 336.2, , Definitions; Subchapter D, Standards for Protection Against Radiation, 336.359 and 336.365; Subchapter G. Decommissioning Standards, 336.611 and the proposed repeal of 30 TAC Chapter 336, Subchapter I, Financial Assurance.

A motion was made and seconded that TRAB endorse legislation that Representative Chisum is sponsoring for TDH. Motion pass unanimously.

A motion was made and seconded that TRAB recommend the TNRCC rule revisions and repeal be forwarded to the Commission for proposal. Motion passed unanimously.

The Medical Committee (W. Kim Howard, M.D., Chair) met and a quorum was present. Mrs. McBurney briefed the board members on the regulatory requirements for bone density screening. The University of Texas Health Science Center requested approval of an investigational study using a bone densitometer to create a database for normal bone density scores for children. On motion and second the committee recommended more information be obtained on justification, exposure, protocols, and radiation safety. Motion passed unanimously.

Program Reports

(1) A. TDH, Bureau of Radiation Control (Richard A. Ratliff, P.E., Chief)
(i) A copy of filed bills was provided the board members for review and Mr. Ratliff briefly discussed the bills.
(ii) The budget hearings for the Health and Human Services Commission agencies will be soon.
(iii) The Sunset Review for TDH last session requested regulatory programs to do an in-depth regulatory review which has been completed. The Health and Human Services Commission has completed its executive summary and most of the programs will stay with TDH except for some of the independent licensing boards.
(iv) The NRC has been reviewed by the General Accounting Office and copies are available or can be viewed on the web site.

B. Licensing, Registration, and Standards (Mrs. Ruth McBurney)
(i) Several uranium facilities are in the process of closure. One new application has been received for an in situ uranium facility.
(ii) Two new intravascular brachytherapy license applications for clinical use have been received.
(iii) Staff is working with the NRC on an exemption to NRC rules dealing with special nuclear material. A Texas licensee has requested an exemption from getting an NRC license for diffuse special nuclear material in waste.
(iv) On October 20, 2000, a Dental Workshop was held and Dr. Matson. 5 represented TRAB. As a result of the workshop a set of frequently asked questions have been developed and are being placed on the web site.

C. Compliance and Inspection (Arthur Tate)
(i) Ruben Cortez was introduced as the new Deputy Director for

Environmental Programs and Special Inspections.

(ii Staff is working with the Attorney General's office and the Railroad Commission of Texas on the clean up of the Winnie site near Beaumont where an Americium source ruptured in an oil well.

(iii EPA has cleaned up the area of the Urban Machine Shop in Houston where old air craft dials were processed.

(2) Railroad Commission of Texas (Leslie Savage)

Ms. Savage reported on "A Study of Regulations of Oil and Gas Naturally Occurring Radioactive Material Waste in Texas, Final Report, November 2000".

(3) TNRCC (Alice Rogers, P.E.)

A. Susan Jablonski reported that South Carolina's Budgeting Control Board has decided how they are going to allocate fees for the Barnwell site in FY 2002 starting as of July 1, 2001. Every year allocations for shipments from out of compact states decreases. The number for next year is 80,000 cu. ft. EnviroCare of Utah is applying for a license application for class C waste. The latest estimate. 6 of low-level radioactive waste that is being stored in Texas is about 50,000 cu. ft.

B. Mrs. Rogers reported that the Environmental Protection Agency (EPA) finalized its drinking water standards in early December for public drinking water supply systems for radium 226, 228, and also uranium. The standards did not include the controversial radon standard. Congress put a rider on an appropriations bill to allow EPA to delay implementing rules until April. There are 27 public drinking water supply systems in Texas that are currently out of compliance with this new EPA rule. The systems have been working with the drinking water staff at TNRCC to determine if there are affordable treatment technologies for these systems and what could be done with the waste that treatment would produce. A draft report is being written and will be brought to the board at one of the upcoming meetings.

Annette Glass reported that last session Rep. Chisum passed legislation that created an Environmental Education Partnership Fund. Ms. Glass recently went to Sweetwater, Texas and attended a class held by the South Texas Chapter of the Health Physics Society (HPS) to teach science teachers how to teach about radiation issues, especially about health and safety. Susan Jablonski of TNRCC and David Fogle of BRC were the two main instructors and did an excellent job. HPS has applied to become participating partners with the Environmental Education Partnership Fund Board.

The next quarterly meetings were tentatively scheduled for April 7, 2001 and July 21, 2001, in. 7 Austin, Texas.

The meeting adjourned at 11:30 a.m.

Respectfully submitted,

Jimmy L. Barker, P. E., Acting Secretary
Texas Radiation Advisory Board